

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

FILED - CLERK
U.S. DISTRICT COURT
05 MAY 13 AM 10:03
TX EASTERN - BEAUMONT

BY _____

CLINTON BOYD

§

§ CIVIL ACTION NO. 9:05cv12

M.C. KEE

§

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Plaintiff Clinton Boyd, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

On March 7, 2005, Boyd filed a motion asking that his lawsuit be dismissed without prejudice. On March 10, 2005, the Magistrate Judge issued a report recommending that the lawsuit be dismissed without prejudice on the Plaintiff's motion. Boyd received a copy of this Report on March 14, 2005, but filed no objections thereto; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge and has determined that this Report is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the Plaintiff's motion to dismiss is GRANTED and that the above-styled lawsuit be and hereby is DISMISSED without prejudice on the motion of the Plaintiff. It is further

ORDERED that any and all motions which may be pending in this cause are hereby DENIED.

SIGNED this 10th day of May, 2005.

A handwritten signature in cursive script, appearing to read "Ron Clark", is written above a horizontal line.

RON CLARK
UNITED STATES DISTRICT JUDGE